HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.13671 of 1998

Dated 21st day of February, 2007

Between:

Dokka Yobu Raju ..
Petitioners

And

The District Collector,
Krishna District at Machilipatnam
and two others ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in not considering the claim of the petitioner for regularization of 100 square yards in N.T.S.No.9/1 of Vijayawada Urban as per G.O.Ms.No.508, dated 20.10.1995, as arbitrary and illegal and consequently direct the 3rd respondent to consider their application dated 31.3.1998.

The brief facts of the case are that the father of the petitioner occupied the Government Poramboke land of an extent of 100 square yards in N.T.S. No.9/1 at Vijayawada and he was in possession of it from 1963 and paid land revenue to the government. He constructed a tiled house containing three portions in the land. The Government issued G.O.Ms.No.508, dated 20.10.1995 for regularization of encroachments on payment of market value. When the petitioner's father passed away in 1990, the petitioner came into possession of the land and since then he has been enjoying it. Now, the petitioner's grievance is that pursuant to the G.O., he made an application on 31.3.1998 to the 3rd respondent expressing his willingness to pay the market value for regularization of the land in his possession, but no orders have been passed, and the respondents are taking steps to dispossess him from the land in his possession.

Heard the learned counsel for both the parties.

Admittedly, the petitioner encroached into the land in question and has been in continuous possession of it since 1963. Having regard to the fact that the petitioner filed an application dated 31.3.1998 seeking regularization of possession in terms of G.O.Ms.No.508, dated 20.10.1995, this Court deems it appropriate to

direct the respondents to consider his application and pass appropriate orders in accordance with law.

With the above direction, this writ petition is disposed of. No costs.

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21.02.2007

bcj